

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Action No. 5:20-cv-562

DR. SHIQUITA BLUE and EVELYN
POWELL,

Plaintiffs,

v.

NASH EDGECOMBE ECONOMIC
DEVELOPMENT, INC.

Defendant.

NOTICE OF REMOVAL

NOW COMES the Defendant, NASH EDGECOMBE ECONOMIC DEVELOPMENT, INC. (“NEED” or “Defendant”), by and through its undersigned attorneys, and hereby petitions this Court for the removal of this matter from the Superior Court of Nash County, North Carolina, to the United States District Court for the Eastern District of North Carolina.

Defendant respectfully submits the following grounds in support of removal:

1. On or about September 25, 2020, Plaintiffs filed a Complaint in the Superior Court of Nash County, North Carolina, entitled *Dr. Shiquita Blue and Evelyn Powell, Plaintiffs, versus Nash Edgecombe Economic Development, Inc.*, Defendant, Civil Action No. 20 CVS 1224. *See* Complaint, *attached as* Exhibit 1, and Summons for Nash Edgecombe Economic Development, Inc., *attached as* Exhibit 2. A copy of the Complaint and Summons was served on Defendant by delivery to NEED, Inc.’s premises at 200 North Church Street in Rocky Mount, North Carolina, by a Nash County Sheriff’s Deputy on or

about September 28, 2020. Defendant has thirty days from the date of service to remove this matter, which deadline will not pass until October 28, 2020, pursuant to 28 U.S.C. § 1446(b)(1) and Rule 6 of the Federal Rules of Civil Procedure. Accordingly, this removal is timely.

2. This Court has removal jurisdiction over this case because this is a civil action with original jurisdiction in the federal courts, pursuant to 28 U.S.C. §§ 1331 and 1441(a). Plaintiffs purport to bring claims against Defendant pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”) and the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 (“ADEA”). *See* Complaint at 1-2, ¶¶ 93-135. These are claims “arising under the Constitution, laws, or treaties of the United States,” over which the Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331. Plaintiffs have also brought state-law tort claims based upon the same case or controversy, which are within the supplemental jurisdiction of this court under 28 U.S.C. § 1367.

3. This Court is the proper venue for removal of this action under 28 U.S.C. § 1446(a), because it is located in the District and Division where the State Court action was pending.

4. Documents associated with Civil Action No. 20 CVS 1224, of which this Defendant is in possession, are attached hereto as Exhibits 1-2.

5. A copy of this Notice of Removal will be filed with the Clerk of Court for the Superior Court of Nash County, North Carolina, and served on Plaintiffs through

counsel. A copy of said Notice of Removal to Federal Court is attached as Exhibit 3 to this Petition.

WHEREFORE, the Petitioner respectfully requests that the above action now pending in the Superior Court of Nash County, North Carolina, General Court of Justice, be removed to this Court.

This the 26th day of October, 2020.

HARTZOG LAW GROUP LLP

/s/ Katherine Barber-Jones

KATHERINE BARBER-JONES

N.C. State Bar No. 44197

E-mail: kbarber-jones@hartzoglawgroup.com

1903 N. Harrison Avenue, Suite 200

Cary, North Carolina 27513

Telephone: (919) 670-0338

Facsimile: (919) 714-4635

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification to all registered CM/ECF participants, by electronic mail, and by depositing a copy of the same in the U.S. Mail, postage prepaid and addressed as follows:

Reginald Goodson, Esq.
Goodson Law Firm
1526 Bennett Street
Raleigh, NC 27604
Email: GoodsonLaw@yahoo.com
Attorney for Plaintiffs

This the 26th day of October, 2020.

HARTZOG LAW GROUP LLP

/s/ Katherine Barber-Jones
KATHERINE BARBER-JONES
N.C. State Bar No. 44197
E-mail: kbarber-jones@hartzoglawgroup.com
1903 N. Harrison Avenue, Suite 200
Cary, North Carolina 27513
Telephone: (919) 670-0338
Facsimile: (919) 714-4635
Attorney for Defendants